


{In Archive} Re: Fw: TVA Shipping Coal Ash to Minority Communities? 

Stan Meiburg to: Barry Breen

05/19/2009 08:06 PM

Cc: Hill.Franklin, Shane Hitchcock, Leo Francendese, Carl Terry, Allison Wise, Scott Gordon, Beverly Banister, Mary Wilkes, Suzanne Rubini

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History: This message has been forwarded.

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Barry--

Thank you for forwarding this. While this issue will be an important context for whatever decision is ultimately made on the final disposal of the ash, this article seems premature to me in that TVA has not yet made any decision on what they are going to ultimately do with this ash. I didn't think TVA had a plan to send the ash anywhere yet, certainly not the vast bulk of it. They are certainly investigating, and I believe they have sent some test loads to some of the sites mentioned in the article, but they haven't gotten much of the ash out of the river yet, and I'm not sure where the 1 billion gallon number comes from. Franklin, if I'm wrong about this, please let me know.

My understanding was that TVA was still exploring options, and our order gives EPA considerable leverage over this question. The one point we have insisted on, and which I was glad to see acknowledged in the article, is that the ash can't stay in the river.

There is a dilemma here, one related to larger questions of siting for municipal waste and other Subtitle D landfill facilities. Assuming that our basic technical criteria are met (liners, leachate collection, etc.), cost will be the driver. I don't have an analysis, but I would not be surprised to see that Subtitle D landfills are more likely to be sited in areas where environmental justice is a concern, and we'll have to be aware of this. Transportation costs will be a very large factor; it will be most cost-effective for TVA to identify a proper disposal site with rail access. That's a very big driver in the decision. From my standpoint, we will both need and want to ensure that TVA is as transparent as possible in laying out the options available to them.

An ironic point: probably the most non-disproportionate burden of disposal would be to leave the ash in close proximity to the site. A further irony: if the ash material were regulated under Subtitle C, the disproportionate burden of disposal, assuming sufficient capacity could even be found, would likely be worse.

Stan

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Barry Breen/DC/USEPA/US

Barry Breen/DC/USEPA/US  
05/19/2009 06:53 PM

To: Stan Meiburg/R4/USEPA/US@EPA  
cc

Subject Fw: TVA Shipping Coal Ash to Minority Communities?

I wanted to make sure you're in the discussion too.  
What do you think?

Allyn Brooks-LaSure

----- Original Message -----

**From:** Allyn Brooks-LaSure  
**Sent:** 05/19/2009 04:37 PM EDT  
**To:** Bob Sussman; Barry Breen  
**Cc:** Seth Oster; Adora Andy  
**Subject:** TVA Shipping Coal Ash to Minority Communities?

Someone just sent this over. Is there a particular story behind this? If true, it doesn't look good -- especially with us now "owning" the clean-up.

## Pennsylvania rejected TVA coal ash that's going to poor communities in Alabama and Georgia 1



more than 1 billion gallons of toxic coal ash that spilled from an impoundment at the Tennessee Valley Authority's Kingston power plant in eastern Tennessee last December is making its way to landfills in poor and black communities in Alabama and Georgia, as we reported last week at Facing South.

It turns out that TVA also looked into sending the waste to Pennsylvania for dumping into abandoned mines—but that state's Department of Environmental Protection rejected the ash as substandard.

"This ash material was accidentally released from a disposal impoundment and mixed with unknown materials in the river water and bottom sediment," Pennsylvania DEP Secretary John Hanger announced last week. "DEP only certifies coal ash for mine reclamation in Pennsylvania that is not contaminated with other materials and can meet our stringent chemical requirements."

But experts say that Pennsylvania's toxicity standards for coal ash used in such projects are not particularly high—at least not high enough to keep the ash from damaging water quality in the vicinity of the dump sites.

“PADEP is hurling boulders through their glass house with their public rejection of TVA ash as too contaminated for mine disposal,” Earthjustice attorney Lisa Evans told Facing South.

Evans is one of the authors of a 2007 report that found widespread contamination of groundwater and surface water across Pennsylvania due to dumping of coal ash waste into abandoned mines as part of its land reclamation program. The report by the Clean Air Task Force found degraded water quality at two-thirds of the sites examined, with levels of arsenic, cadmium, chromium, copper, lead, nickel, zinc and other pollutants found to exceed drinking-water and other water-quality standards.

A Pennsylvania newspaper reports that the material was apparently being considered as fill for an amphitheater construction project underway on abandoned mine lands in Hazleton, a predominantly white community in the northeastern part of the state that gained fame in recent years for its controversial efforts to drive out illegal immigrants.

The Hazleton Standard-Speaker quoted a TVA spokesperson as saying the federal company decided on its own against sending the ash to Pennsylvania because the site where it was to be used lacked a liner to prevent the material from contaminating groundwater. Abandoned mines where coal ash waste is being dumped across Pennsylvania typically lack liners—one of the reasons why CATF’s report found such widespread water contamination.

Instead, TVA is sending the spilled coal ash waste from Tennessee to landfills in Taylor County, Ga. and Perry County, Ala. The choice of these communities for disposal of the waste raises environmental justice concerns, since almost 41% of Taylor County’s population is African-American and more than 24% of its residents live in poverty, while Alabama’s Perry County is 69% African-American with more than 32% of its population in poverty, according to the latest census data. Residents had no voice in the decision-making process, given that there was no opportunity for public comment.

The landfill officials have pointed out that their facilities have synthetic liners and systems to collect and treat the liquid runoff known as leachate in order to help prevent groundwater contamination. But even lined landfills with leachate collection systems provide no guarantee that the materials dumped into them won’t eventually impact groundwater.

In fact, the U.S. Environmental Protection Agency—which is now overseeing cleanup of the TVA spill—has acknowledged that all landfills eventually leak. The Environmental Research Foundation points to a Federal Register notice from EPA that states:

There is good theoretical and empirical evidence that the hazardous constituents that are placed in land disposal facilities very likely will migrate from the facility into the broader environment. This may occur several years, even many decades, after placement of waste in the facility, but data and scientific prediction indicate that, in most cases, even with the application of best available land disposal technology, it will occur eventually.

Unlike many constituents of ordinary household garbage, the toxic elements in coal ash waste—arsenic, lead and the like—do not break down over time. That means that once the

landfill liner deteriorates and springs a leak, those chemicals will be present to leach into the groundwater.

In addition, the leachate collection systems used in landfills are far from foolproof, ERF notes. For one thing, the systems have a tendency to clog up and/or corrode after a few decades. And as the fluid builds up and puts pressure on the bottom of the structure, it increases the likelihood of liner failure.

There's no doubt that TVA needs to clean up the spilled ash. The results of independent tests conducted on samples collected downstream from the spill that were released today found dangerous levels of toxic elements present in the water, sediment and fish, with some water samples showing arsenic levels 260 times and lead 16 times drinking water standards. The scientists also found fish with lesions and lost scales, which could be attributed to contaminated water.

But TVA's choice for disposing of the ash is not without its problems, either. Despite assurances by the company and government regulators that their plan is safe, the ash waste presents a very real risk to the communities where it's being sent for long-term storage.

At the very least, the authorities should acknowledge that fact.

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